

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

JUDITH F.M. MASTHOFF

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CONFIRMATION NO.: 3675

METHOD OF PROVIDING A DISPLAY FOR A GRAPHICAL USER INTERFACE

Commissioner for Patents
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Sir:

APPEAL BRIEF

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(i) Real Party in Interest

The real party in interest in this application is KONINKLIJKE PHILIPS ELECTRONICS N.V. by virtue of an assignment from the inventors recorded on December 17, 2001, at Reel 012405, Frame 0598.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to this application.

(iii) Status of Claims

Claims 1-3, 5-7, 9-15 and 17-20 stand finally rejected by the Examiner. Claims 4, 8 and 16 have been cancelled.

(iv) Status of Amendments

There was one Response filed on April 23, 2009, after final rejection of the claims on March 10, 2009, this Response having been considered by the Examiner.

(v) Summary Of Claimed Subject Matter

The subject invention relates to interacting with, for example, a mapping function when using a touch-sensitive display. In particular, as claimed in claim 1, the subject invention includes:

"A method of providing a display for a graphical user interface in which a user may define a desired point on a subject image, the method comprising the steps of:

(i) displaying the subject image on a touch sensitive display **(Fig. 1: 11, 12, 13; Specification page 3, lines 9-14);**

(ii) displaying an enlargement of the subject image in response to a user selecting the desired point by a discrete touch-input on the touch sensitive display proximate to said desired point **(Fig. 3: 12')**, and indicating on the enlargement a point determined from an area associated with said user touch-input on which said enlargement is based, wherein said determined point is associated with a center of said area **(Fig. 2: 20, 21; Fig. 3: 20, 21; Specification page 3, lines 14-25);** and

(iii) storing coordinates representing said determined point as a first coordinate parameter in response to a confirmation by the user that said determined point sufficiently corresponds to said desired point **(Fig. 3: 30; Specification page 3, lines 26-31).**"

As claimed in claim 2, the subject invention further includes:
"The method as claimed in Claim 1, wherein said method further comprises the step of:

(iv) displaying a reduction of a previous enlargement of the subject image, wherein steps (iii) and (iv) are done in response to a single user input (**Specification page 4, lines 5-9**)."

As claimed in claim 4, the subject invention further includes:
"The method as claimed in Claim 1, wherein said method further comprises the step of:

displaying a further enlargement of a previous enlargement of the subject image in response to the user performing a further discrete touch-input on the touch sensitive display proximate to said desired point, and indicating on the further enlargement a further point determined as a center of an area associated with said user further discrete touch-input, said further enlargement being based on said determined further point (**Fig. 4: 12'', 40; Specification page 4, lines 1-4**)."

As claimed in claim 6, the invention further includes:
"The method as claimed in Claim 1, wherein said method further comprises the step of;

determining a second point, in response to a user selection, and storing coordinates representing said second point as a second coordinate parameter (**Fig. 5: 50; Specification page 4, lines 10-11**)."

As claimed in claim 7, the subject invention further includes:
"The method as claimed in Claim 6, wherein said method further comprises the step of;

performing a calculation to determine the distance between the first and second coordinate parameters (**Fig. 5: 40, 50, 51; Specification page 4, lines 10-12**).

As claimed in claim 9, the subject invention includes:
"A computer-readable storage medium having recorded thereon data representing instructions for performing a method according to Claim 1 (**Fig. 6: 62; Specification page 4, lines 19-23**)."

As claimed in claim 10, the subject invention includes:
"An apparatus having a display, a processor and a user input device, wherein the processor is programmed to perform a method according to Claim 1 (**Fig. 6: 61, 62, "PROCESSOR", "DISPLAY", "KEYBOARD", "MOUSE", "FLOPPY DISK DRIVE"; Specification page 4, lines 15-23**)."

As claimed in claim 11, the subject invention further includes:
"The method as claimed in Claim 7, wherein the step of performing a calculation further comprises:

determining distances between the first and second co-ordinate parameters as an actual distance that can be traversed to connect the first and second coordinate parameters (**Specification page 4, lines 12-14**)."

As claimed in claim 13, the subject invention includes:
"A method selecting desired points on a graphical user interface of a display comprising:

displaying a subject image on a touch sensitive display (**Fig. 1: 11, 12, 13; Specification page 3, lines 9-14**);

enlarging the subject image in response to a user selecting an area proximate to a desired point on the subject image by a discrete touch-input on the touch sensitive display (**Fig. 3: 12', 13, 20; Specification page 3, lines 18-20**);

determining and displaying a point upon which the enlarged image is based, said point being determined as a center of said area (**Fig. 3: 12', 20, 21; Specification page 3, line 14-16**); and

storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that said determined point sufficiently corresponds to said desired point (**Fig. 3: 30; Specification page 3, lines 26-31**)."

As claimed in claim 14, the subject invention further includes:

"The method as claimed in Claim 13, wherein said method further comprises the step of:

displaying a reduction of the enlarged image following storing coordinates representing the determined point selected in response to a single user input (**Specification page 4, lines 5-9**)."

As claimed in claim 15, the subject invention further includes:

"The method as claimed in Claim 13, wherein said method further comprises the step of:

displaying a further enlargement of the enlarged image in response to the user performing a further discrete touch-input on the touch sensitive display proximate to said desired point, and indicating on the further enlargement a further point determined as

a center of an area associated with said user further discrete touch-input, said further enlargement being based on said determined further point (**Fig. 4: 12'', 40; Specification page 4, lines 1-4).**")

As claimed in claim 17, the subject invention further includes:

"The method as claimed in Claim 13, wherein said method further comprises the step of:

determining a second point based on a user selection, and storing coordinates representing said second point as a second coordinate parameter (**Fig. 5: 50; Specification page 4, lines 10-11).**")

As claimed in claim 18, the subject invention further includes:

"The method as claimed in Claim 17, wherein said method further comprises the step of:

performing a calculation to determine the distance between the first and second coordinate parameters (**Fig. 5: 40, 50, 51; Specification page 4, lines 10-12).**")

As claimed in claim 19, the subject invention further includes:

"The method as claimed in Claim 18, wherein the step of performing a calculation further comprises:

determining distances between the first and second coordinate parameters as an actual distance that can be traversed to connect

the first and second coordinate parameters (*Specification page 4, lines 12-14*)."

(vi) Grounds of Rejection to be Reviewed on Appeal

- (A) Whether the invention, as claimed in claims 1, 3, 5, 6, 8-10, 13, 15 and 17, is unpatentable, under 35 U.S.C. 103(a), over U.S. Patent 5,966,135 to Roy et al. in view of U.S. Patent 6,232,961 to Kunimatsu et al.
- (B) Whether the invention, as claimed in claims 2, 5 and 14, is unpatentable, under 35 U.S.C. 103(a), over Roy et al. in view of Kunimatsu et al., and further in view of U.K. Patent Application No. GB2,344,037 to Smith.
- (C) Whether the invention, as claimed in claims 7, 11, 12 and 18-20, is unpatentable, under 35 U.S.C. 103(a), over Roy et al. in view of Kunimatsu et al., and further in view of U.S. Patent 6,459,986 to Boyce et al.

(vii) Arguments

(A) Whether Claims 1, 3, 5, 6, 8-10, 13, 15 And 17 Are Unpatentable Over Roy et al. In View Of Kunimatsu et al.

35 U.S.C. 103(a) states:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

The Roy et al. patent discloses vector-based geographic data in which on, for example, a display of a map, the user, by using a mouse cursor, positions the cursor to any desired point on the map and then, by clicking the mouse button, the user may zoom by an adjustable factor to an area surrounding the point indicated by the mouse cursor.

The Kunimatsu et al. patent discloses a display apparatus having a touch-sensitive display for displaying and processing a driver navigation system.

(1) Claims 1 and 11

The subject invention also relates to the display of, for example, a map, and zooming in to a desired point on the map. The subject invention enables this on a touch-sensitive display in which the selection of the desired point is indicated by the user

performing a touch-input. However, while a cursor when directed by a mouse is very accurate, a user's finger performing a touch-input is highly inaccurate. In order to alleviate the frustrations of a system acting on an incorrect selection, the subject invention, as claimed in claim 1 (and similarly claim 13) includes "displaying an enlargement of the subject image in response to a user selecting the desired point by a discrete touch-input on the touch sensitive display proximate to said desired point, and indicating on the enlargement a point determined from an area associated with said user touch-input on which said enlargement is based, wherein said determined point is associated with a center of said area" and "storing coordinates representing said determined point as a first coordinate parameter in response to a confirmation by the user that said determined point sufficiently corresponds to said desired point". In this way, the user may visually ascertain whether the determined point corresponds with or is sufficiently close to the desired point, and if so, confirm the same which results in the storing of coordinates of the determined point as a first coordinate parameter.

The Examiner indicates that "Roy fails to explicitly teach such on a touch sensitive display, selecting the desired point by a discrete touch -input on the touch sensitive display proximate to the desired point, and storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that the determined point sufficiently corresponds to the desired point" and "Kunimatsu teaches a map

display system similar to that of Roy. Furthermore, Kunimatsu teaches the map display system on a touch sensitive display, selecting the desired point by a discrete touch-input on the touch sensitive display proximate to the desired point, and storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that the determined point sufficiently corresponds to the desired point (taught as the confirmation of a user selected point, at col. 5, lines 49-67, and the storing of a selected point as a "memory point", at col. 6, lines 49-59").

With regard to Kunimatsu et al., Appellant believes that the Examiner is mistaken. In particular, the section, col. 5, lines 49-67 of Kunimatsu et al. states:

"When the driver touches the input pad 3 of the touch tracer 1, the touch operation information showing that the touch operation was performed by the touch tracer 1 is output so that the display device 2 displays in an expanded state button display portions 28a which are displayed on the map screen 28 as shown in FIG. 9. Therefore, the driver can easily confirm the display content of the button display portion 28a and easily select a desired button display portion 28a by a blind operation of the touch tracer 1. When the driver operates a desired navigation function by the touch operation of the input pad 3 of the touch tracer 1 at a position corresponding to the button display portion 28a, which is displayed on the map screen 28, or touches the input pad 3 by a finger in order to scroll the map, the microcomputer 23 determines that the finger touches the input pad 3 and outputs the coordinate data of the touched position. By so doing, the display device 2 displays the touched position of the input pad 3 and the driver can confirm the current touched position."

A careful reading of the above section indicates that Kunimatsu et al. discloses determining that the finger touches the

input pad and outputting coordinate data of the touched position. This enables the display device to display the touched position. However, there is no disclosure as to what happens to the coordinate data or the displayed touch position once the driver confirms the touched position.

The Examiner then indicates that Kunimatsu et al. teaches the storing of a selected point as a "memory point" and indicates col. 6, lines 49-59.

This portion of Kunimatsu et al. states:

"Specifically, in the display device 2, in a state where the destination setting screen 29 is displayed as shown in FIG. 10, when "memory point" is selected by the touch operation of a part of the input pad 3 of the touch tracer 1 corresponding to the "memory point" display portion 29a, a memory point registration screen 33 is displayed as shown in FIG. 14. In this case, by touch-operating the part of the input pad 3 of the touch tracer 1 corresponding to a button display portion 33a which is displayed on the memory point registration screen 33, registration of the memory point can be selected."

Appellant first would like to note that this is a completely different operating portion of the Kunimatsu et al. device. As indicated above, reference is made to Fig. 10 for touching the "memory point" display portion, and to Fig. 14 for selecting a particular "memory point" for registration. However, there is no disclosure or suggestion of this operation saving the previous coordinate data/displayed touch position as the selected "memory point" or "as a first coordinate parameter in response to a confirmation by the user that said determined point sufficiently corresponds to said desired point".

In the Advisory Action mailed May 14, 2009, the Examiner states:

"As shown in the operational flow chart of Fig. 7, a user manipulates the map screen as disclosed in cited col. 5, lines 49-67 after selecting either the "current position" or "destination" modes. User selection of the "destination" mode is disclosed at col. 6, lines 49-59. This cited passage deals with the registration (i.e. entering of a title such as a name of a city, as seen in Fig. 15) of a selected point. Therefore, the memory point must be the point selected in col. 5, lines 49-67 as it is a destination point, not the current position, and is a point being registered into memory by way of a user-applied title, and is thus not a point readily available to the user (such as the displayed "golf course" or "train-station" areas of interest, as seen in Fig. 10)."

Appellant submits that these portions of Kunimatsu et al. merely relate to the identification of the pressing of "soft" buttons appearing on the display. In particular, Kunimatsu et al. states, at col. 5, lines 49-67:

"When the driver touches the input pad 3 of the touch tracer 1, the touch operation information showing that the touch operation was performed by the touch tracer 1 is output so that the display device 2 displays in an expanded state button display portions 28a which are displayed on the map screen 28 as shown in FIG. 9. Therefore, the driver can easily confirm the display content of the button display portion 28a and easily select a desired button display portion 28a by a blind operation of the touch tracer 1. When the driver operates a desired navigation function by the touch operation of the input pad 3 of the touch tracer 1 at a position corresponding to the button display portion 28a, which is displayed on the map screen 28, or touches the input pad 3 by a finger in order to scroll the map, the microcomputer 23 determines that the finger touches the input pad 3 and outputs the coordinate data of the touched position. By so doing, the display device 2 displays the touched position of the input pad 3 and the driver can confirm the current touched position."

Further, at col. 6, lines 49-59, Kunimatsu et al. states:

"Specifically, in the display device 2, in a state where the destination setting screen 29 is displayed as shown in FIG. 10, when "memory point" is selected by the touch operation of a part of the input pad 3 of the touch tracer 1 corresponding to the "memory point" display portion 29a, a memory point registration screen 33 is displayed as shown in FIG. 14. In this case, by touch-operating the part of the input pad 3 of the touch tracer 1 corresponding to a button display portion 33a which is displayed on the memory point registration screen 33, registration of the memory point can be selected."

It should be clear from the above that Kunimatsu et al. is describing, at col. 5, a random touch ("blind operation") of the touch tracer 1 to enlarge the display of the "soft" buttons, and the determination of which soft button is being pressed by the user based on the coordinates of the touched position. There is no disclosure or suggestions of locations on the displayed map being determined by coordinates of a touch position on the input pad. Further, Kunimatsu et al., at col. 6, describes more particularly what happens when the "soft" button "memory point" is touched. Again, there is no disclosure or suggestions of locations on the displayed map being determined by coordinates of a touch position on the input pad.

(2) Claims 6 and 17.

Claim 6 (and 17) includes the limitation "determining a second point, in response to a user selection, and storing coordinates representing said second point as a second coordinate parameter."

The Examiner has indicated that this is taught by Kunimatsu et al., and refers again to col. 6, lines 49-59.

As noted by Appellant above, Kunimatsu et al. is merely describing how a user touches the screen in an area corresponding to the button "memory point" and is taken to a screen for registering a memory point. However, there is no disclosure or suggestion that this process stores "coordinates representing said second point as a second coordinate parameter", in which the location of the second point corresponds to the position on the screen where the user touched the screen.

(B) Whether Claims 2, 5 And 14 Are Unpatentable Over

Roy et al. In View Of Kunimatsu et al. And Smith

The above arguments concerning Roy et al. and Kunimatsu et al. are incorporated herein.

The Smith reference discloses a method and apparatus for adjusting the display scale of an image, in which when a user places a cursor at a desired location and indicates the same (e.g., clicking the mouse button), the display scale returns to the original setting and the location of the cursor is arguably stored.

However, Appellant submits that Smith does not supply that which is missing from Roy et al. and Kunimatsu et al., i.e., "storing coordinates representing said determined point as a first coordinate parameter in response to a confirmation by the user that said determined point sufficiently corresponds to said desired point".

(C) Whether Claims 7, 11, 12 and 18-20 Are Unpatentable Over

Roy et al. In View Of Kunimatsu et al. And Boyce et al.

The above arguments concerning Roy et al. and Kunimatsu et al. are incorporated herein.

The Boyce et al. patent discloses a routing system in which actually traversable routes are used in determining the distance between two coordinates. However, Appellant submits that Boyce et al. does not supply that which is missing from Roy et al. and Kunimatsu et al., i.e., "storing coordinates representing said determined point as a first coordinate parameter in response to a

confirmation by the user that said determined point sufficiently corresponds to said desired point".

Based on the above arguments, Appellant believes that the subject invention is not rendered obvious by the prior art and is patentable thereover. Therefore, Appellant respectfully requests that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

by /Edward W. Goodman/
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(viii) Claims Appendix

1. (Previously Presented) A method of providing a display for a graphical user interface in which a user may define a desired point on a subject image, the method comprising the steps of:

(i) displaying the subject image on a touch sensitive
5 display;

(ii) displaying an enlargement of the subject image in response to a user selecting the desired point by a discrete touch-input on the touch sensitive display proximate to said desired point, and indicating on the enlargement a point determined from an
10 area associated with said user touch-input on which said enlargement is based, wherein said determined point is associated with a center of said area; and

(iii) storing coordinates representing said determined point as a first coordinate parameter in response to a confirmation
15 by the user that said determined point sufficiently corresponds to said desired point.

2. (Previously Presented) The method as claimed in Claim 1, wherein said method further comprises the step of:

(iv) displaying a reduction of a previous enlargement of the subject image, wherein steps (iii) and (iv) are done in
5 response to a single user input.

3. (Previously Presented) The method as claimed in Claim 1,
wherein said method further comprises the step of:

5 displaying a further enlargement of a previous enlargement
of the subject image in response to the user performing a further
discrete touch-input on the touch sensitive display proximate to
said desired point, and indicating on the further enlargement a
further point determined as a center of an area associated with
said user further discrete touch-input, said further enlargement
being based on said determined further point.

4. (Cancelled).

5. (Previously Presented) The method as claimed in Claim 2,
wherein the reduction of a previous enlargement of the subject
image is displayed in the same scale as the subject image prior to
enlargement.

6. (Previously Presented) The method as claimed in Claim 1,
wherein said method further comprises the step of;

5 determining a second point, in response to a user
selection, and storing coordinates representing said second point
as a second coordinate parameter.

7. (Previously Presented) The method as claimed in Claim 6,
wherein said method further comprises the step of;

performing a calculation to determine the distance between the first and second coordinate parameters.

8. (Cancelled).

9. (original) A computer-readable storage medium having recorded thereon data representing instructions for performing a method according to Claim 1.

10. (Previously Presented) An apparatus having a display, a processor and a user input device, wherein the processor is programmed to perform a method according to Claim 1.

11. (Previously Presented) The method as claimed in Claim 7, wherein the step of performing a calculation further comprises:

determining distances between the first and second coordinate parameters as an actual distance that can be traversed to connect the first and second coordinate parameters.

12. (Previously Presented) The method as claimed in Claim 11, wherein the first and second coordinate parameters are a pair of points on a map and the determination of actual distance includes at least one permissible travel route between the pair of points on the map.

13. (Previously Presented) A method selecting desired points on a graphical user interface of a display comprising:

displaying a subject image on a touch sensitive display;

enlarging the subject image in response to a user

5 selecting an area proximate to a desired point on the subject image by a discrete touch-input on the touch sensitive display;

determining and displaying a point upon which the enlarged image is based, said point being determined as a center of said area; and

10 storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that said determined point sufficiently corresponds to said desired point.

14. (Previously Presented) The method as claimed in Claim 13, wherein said method further comprises the step of:

displaying a reduction of the enlarged image following

storing coordinates representing the determined point selected in

5 response to a single user input.

15. (Previously Presented) The method as claimed in Claim 13, wherein said method further comprises the step of:

displaying a further enlargement of the enlarged image in

response to the user performing a further discrete touch-input on

5 the touch sensitive display proximate to said desired point, and

indicating on the further enlargement a further point determined as

a center of an area associated with said user further discrete touch-input, said further enlargement being based on said determined further point.

16. (Cancelled).

17. (Previously Presented) The method as claimed in Claim 13, wherein said method further comprises the step of:

determining a second point based on a user selection, and storing coordinates representing said second point as a second
5 coordinate parameter.

18. (Previously Presented) The method as claimed in Claim 17, wherein said method further comprises the step of:

performing a calculation to determine the distance between the first and second coordinate parameters.

19. (Previously Presented) The method as claimed in Claim 18, wherein the step of performing a calculation further comprises:

determining distances between the first and second coordinate parameters as an actual distance that can be traversed
5 to connect the first and second coordinate parameters.

20. (Previously Presented) The method as claimed in Claim 19, wherein the determination of actual distance includes at least one permissible travel route between the pair of points on the map.

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.